

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

APAT- Payment of interest on difference of Death cum Retirement Gratuity benefits paid to Sri C. Gopal Reddy, and Sri A. Venkat Reddy, Retired . Vice-Chairmen, Andhra Pradesh Administrative Tribunal as per orders of Hon'ble High Court of A.P. Dated 18-6-2007 in W.P.No. 25097/2007 - Orders- Issued.

GENERAL ADMINISTRATION(SPF-A3) DEPARTMENT

G.O.Rt.No. 3407

Dated:09-07-2009

Read the following:-

1. G.O Ms.No. 275 General Administration (SC-F) Department Dated 19.5.1993.
2. G.O.Rt.No. 3229 GA(SPF) Department , dated 10-7-2002
3. G.O.Rt. No. 5132 General Administration (SPF.B) Department, dated 1.11.2003.
4. Letter No. P. 26012/2001-AT, dt. 21.2.2003 of Ministry of Personnel, Public Grievances and Pensions, Department of personnel and Training, Government of India.
5. G.O.Ms No. 195 GA (SPF) Department , Dated24-4-2006
6. G.O.Rt.No. 701, GA (SPF) Department , dated 6.2.2007.
7. Orders of the Division Bench of Hon'ble High Court dated 18-6-2008 in W.P.No. 25097/2007.
8. Orders of Hon`ble Supreme Court dated 2-3-09 in SLP(Civil) No.5999/2009 in CC No.2470/09.
9. CC.No.117/09 in WP No. 25097/07,before the Tribunal.
10. GO Rt. No.1699, GA(SPF) Department , dt:7-4-09.
11. From the Accounts Officer, O/o the Accountant General ,Hyderabad letter PM/11/09-10-1603 Dated 12-5-2009.

ORDER:

Sri C. Gopal Reddy, retired as District Judge on 29.11.1991 and appointed as member of the Andhra Pradesh Administrative Tribunal on 30.11.1991. Subsequently, he was appointed as Vice-Chairman of Andhra Pradesh Administrative Tribunal on 31.10.1996 and retired as Vice- Chairman of Andhra Pradesh Administrative Tribunal on 9.11.1999. In the reference 1st read above, Government sanctioned revised superannuation pension of Rs. 2,500/- p.m. and revised Death cum Retirement Gratuity of Rs. 82,500/- to him. In the reference 2nd read above, Govt., also sanctioned additional pension of Rs. 39,180/- per annum for the service rendered by Sri C.Goplal Reddy as Member (Judicial) and Vice-Chairman of Andhra Pradesh Administrative Tribunal , vide G.O.Rt.No. 3229 GA(SPF) Department , dated 10-7-2002.

2. Sri A.Venkata Redy was recruited as Munsif Magistrate (Junior Civil Judge) in Andhra Pradesh Judicial Service on 15.11.1973 and retired as District & Sessions Judge (Super Time Scale) on the afternoon of 31-12-1996 to take charge as Member (Judicial) of Andhra Pradesh Administrative Tribunal. He took charge as Member (Judicial) of Andhra Pradesh Administrative Tribunal on 1.1.1997 and

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continued in that post upto 27.6.2000. Later he was appointed as Vice-Chairman of Andhra Pradesh Administrative Tribunal and took charge of the post on 28.6.2000. He retired while working as acting Chairman of Andhra Pradesh Administrative Tribunal on the afternoon of 30.06.2003. Based on the pension verification issued by the Accountant General, the Government have sanctioned an amount of Rs. 29,748/- per annum to Sri A.Venkata Reddy, former Vice-Chairman, Andhra Pradesh Administrative Tribunal in the reference 3rd read above. Gratuity was sanctioned as the per the verification report of the Accountant General.

3. In the reference 4th read above, Government of India have instructed that the pensionary benefits in respect of such Vice-Chairman of the Central Administrative Tribunal had held any pensionable post under the Union or a State be revised in the manner provided in para 2(a) and 2(b) of Part III of First Schedule to High Court Judges (Salaries and Conditions of Service) Act, 1954. In the reference 5th read above Government of Andhra Pradesh issued orders sanctioning revised pensionary benefits in respect of such Vice Chairmen of the Andhra Pradesh State Administrative Tribunal who prior to their appointment in Tribunal had held any pensionable post under the State/Union in the manner provided under Para-2(a) and (b) of Part-III of Fist Schedule to High Court Judges (Salaries and Conditions of Service) Act, 1954. It was also ordered that all the pensionary benefits including Death Cum Retirement Gratuity and Commutation Value of Pension shall be revised on par with the High Court Judges. The said orders shall be effective with effect from 1.11.1989 i.e., the date on which Rule-15-A was added to the Andhra Pradesh Administrative Tribunal (Salaries and Allowances and Conditions of Service of Chairman, Vice Chairmen and Members) Rules, 1988.

4. In the reference 6th read above, Government accorded sanction for revision of pensionary benefits ie., Revised Pension @ Rs. 13,000/-, normal pension @ Rs.7,800/- and Death Cum Retirement Gratuity of Rs. 3,50,000/- & Revised Commuted Vale of Pension @ Rs. 6,37,260/- to Sri C.Gopal Reddy, retired Vice Chairman, APAT and for revision of pensionary benefits ie., Revised Pension @ Rs. 13,000/- normal pension @ Rs.7,800/- and Death Cum Retirement Gratuity of Rs. 3,50,000/- and Revised Commuted Vale of Pension @ Rs. 6,37,260/- to Sri A. Venkat Reddy, retired Vice Chairman, Andhra Pradesh Administrative Tribunal as per the instructions of Government of India and orders issued in the references 3rd and 4th read above read above. Accordingly, the revised pensionary benefits were paid by the Accountant General, Andhra Pradesh, Hyderabad to Sri C.Gopal Reddy and Sri A.Venkat Reddy on 17-4-2007 and 18-5-2007 respectively.

5. Sri C. Gopal Reddy, and Sri A. Venkat Reddy, Retd. Vice-Chairmen, Andhra Pradesh Administrative Tribunal have filed W.P.No. 25097/2007 before High Court praying the Court to direct the respondents to pay interest at 12% per annum to the petitioners on difference of DCRG on Rs. 2,67,500/- in respect of 1st petitioner ie., C. Gopal Reddy from 9.11.1999 to 17.4.2007 and Rs. 2,50,000/- in respect of 2nd petitioner ie., Sri A. Venkat Reddy from 30-06.2003 to 18.5.2007 till the date the payment.

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6. The Division Bench of the High Court in its judgment in W.P.No. 25097/07 dated 18.06.2008 directed the respondents to pay interest at the rate of 9% per annum on the respective amounts received by the petitioners towards difference of Death Cum Retirement Gratuity from their date of retirement till the date of actual payment. The Government filed SLP No.(Civil)5999/2009 in the Hon`ble Supreme Court of India against the orders of the Division Bench of Hon`ble High Court dated 18-6-2008 in W.P.No. 250978/07 and the above SLP has been dismissed on 2-3-2009 . The individuals filed CC.No.117/09 in WP No. 25097/07, before Hon'ble High Court for implementation of orders of Division Bench of Hon'ble High Court.

7. Government examined the matter and ordered to pay the interest on difference of Death Cum Retirement Gratuity amounts paid to Sri A.Gopal Reddy and Sri C.Venkat Reddy, both Retired Vice-Chairmen of Andhra Pradesh Administrative Tribunal and the Accountant General has been requested to take necessary action in the matter.

8. In the reference 11th read above, the Accounts Officer, O/o the Accountant General (A&E) , Andhra Pradesh, Hyderabad has informed that as per sub rule (B) (b) (i) of Rule 46 of Andhra Pradesh Revised Pension Rules 1980, the sanction of the Government in the administrative Department should be obtained with the concurrence of the Finance Department for payment of interest on delayed payment of retirement gratuity. He also informed that the Department concerned has to make arrangements for payment of interest and no separate authorization is required to be issued by Accountant General Office.

9. Government re-examined matter and in suspension of the Orders issued in the reference 10th read above, hereby accord sanction for payment of an amount of Rs.1,76,506/- to Sri C. Gopal Reddy, Retired Vice-Chairman of Andhra Pradesh Administrative Tribunal towards interest @ 9% per annum on the differential amount of Death Cum Retirement Gratuity benefits of Rs.2,67,500/- paid to him for the period from 9-11-99 to 17-4-2007 and Government also accord sanction for payment of an amount of Rs.87,410/- to Sri A. Venkat Reddy Retired Vice-Chairman of Andhra Pradesh Administrative Tribunal towards interest @ 9% per annum on the differential amount of Death Cum Retirement Gratuity benefits on Rs.2,50,000/- paid to him for the period from 30-06-03 to 18-5-2007.

10. The expenditure sanctioned in para 9 above, shall be debited to "2071 –Pension and other Retirement Benefits - 01-Civil - MH-101 –Superannuation and Retirement allowances SH(04) Service Pensions – 040 Pensioner Charges -041 Pensions (Charged)" during the Budget Provision 2009-10.

11. The Registrar, APAT, Hyderabad is authorized / directed to draw and disburse the amount to the concerned individuals immediately and report compliance.

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12. This order issues in concurrence with the Finance (Pensions I) Department vide their U.O. No. 16532/212/A1/Pen I/09, dt:27-06-09 and the Finance (BG) Department vide their U.O. No.13945/13/757/A1/BG/09, dt:08-07-09.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

N.V. Ramana Reddy,
Special Secretary to Government (Protocol) and
Secretary to Government (Ser &HRM),I/c.

To

The Registrar, Andhra Pradesh Administrative Tribunal, Hyderabad.

The Accountant General of Andhra Pradesh. Hyderabad.

Copy to

Sri C. Gopal Reddy, Retired Vice-Chairman, Andhra Pradesh Administrative Tribunal through Registrar, Andhra Pradesh Administrative Tribunal , Hyderabad .

Sri A. Venkat Reddy, Retired Vice-Chairman, Andhra Pradesh Administrative Tribunal through Registrar, Andhra Pradesh Administrative Tribunal , Hyderabad.

The Pay and Accounts Office, Hyderabad.

The Government Pleader for Services-II, A.P. High Court of A.P. Hyderabad.

SC/SF

// FORWARDED :: BY ORDER //

SECTION OFFICER